

BEFORE THE  
DIVISION OF MEDICAL QUALITY  
BOARD OF MEDICAL QUALITY ASSURANCE  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Petition for )	
Reinstatement of Revoked )	
Certificate of: )	
	) OAH No. L-48565
E. GORDON DICKIE, M.D. )	
25060 Pine Hills Drive )	
Carmel, CA 93923 )	
	)
Physician's and Surgeon's )	
Certificate No. G-5624 )	
	)
Petitioner. )	
_____ )	

DECISION

On December 7, 1989, in San Diego, California, M. Gayle Askren, Administrative Law Judge, Office of Administrative Hearings, State of California, presided over this matter. The Division of Medical Quality assigned the petition to the District 14 Medical Quality Review Committee for hearing by a panel (hereinafter the "panel") specifically constituted for this purpose. A quorum of the panel was present and consisted of physician members Jerome H. Brodish, M.D., Chairperson, Victor Avedian, M.D., and Anoush Miridjanian, M.D., a nonphysician licentiate of a healing arts board, Peter Shea, D.D.S., and public members Mary Kay Forsyth and Betty Wilkinson.

Alvin J. Korobkin, Supervising Deputy Attorney General, represented complainant.

Petitioner represented himself.

Evidence was received, the record was closed and the matter was submitted.

## FINDINGS OF FACT

### I

On October 14, 1959, the Board of Medical Quality Assurance (hereinafter the "Board") issued Physician's and Surgeon's Certificate No. G-5624 to E. Gordon Dickie, M.D. (hereinafter the "petitioner"). Petitioner's certificate was revoked by the Division of Medical Quality (hereinafter the "Division") of the Board, effective September 29, 1983, pursuant to the provisions of a stipulation executed by petitioner on March 21, 1983 (the "stipulation"). The stipulation provided that for the purposes of the disciplinary action entitled "In the Matter of the Accusation Against E. Gordon Dickie, M.D., Case No. D-2896," filed May 6, 1982, and pending before the Board, "and any subsequent proceedings between these parties, and for no other purpose whatsoever, petitioner admits that he was convicted of the offenses recited in said accusation, to wit, unlawfully distributing drugs to various drug users without a good faith prior examination and without medical justification therefor and stipulates that, based thereon, cause for discipline exists." The stipulation further provided that in the event petitioner's conviction was affirmed on appeal, petitioner's license to practice as a physician and surgeon would be revoked without further administrative proceeding. The order of revocation issued by the Board recited that the conviction of petitioner had been affirmed by the Ninth Circuit Court of Appeal. A certified copy of the Memorandum Opinion of that Court, in United States of America v. E. Gordon Dickie, M.D., Case No. 82-1029, which was filed and entered March 17, 1983, was admitted in this proceeding as Exhibit 6.

### II

Petitioner executed his Petition for Reinstatement of Revoked Certificate on December 1, 1988. The administrative record does not reveal the date the petition was filed with the Board. The petition was accompanied by two verified recommendations of physicians and surgeons licensed by the Board. Robert A. Doyle, M.D., of Carmel, California, states that he has known petitioner for three years and

has seen petitioner frequently at continuing medical education (CME) lectures given at the Monterey Peninsula Community Hospital and in the hospital's medical library, where petitioner was reading medical journals. Robert G. Frost, M.D., of Monterey, California, writes that he has known petitioner since 1959, when they were interns in Oakland, California. Dr. Frost also observed petitioner to have been at the hospital and in its library. In his letter, Dr. Frost notes that "I sincerely believe that it was a very unfortunate thing that happened to him, something that could have happened to any of us if we had been targeted by the DEA as he had been."

### III

Petitioner was convicted on September 15, 1980, in Honolulu, Hawaii, although he did not serve his sentence until later. In 1982, petitioner moved with his family from Hawaii to Pebble Beach, California. Petitioner was incarcerated in Boron Federal Prison, California, from April 23, 1983, to June 17, 1984. His parole was terminated on April 17, 1988. In his testimony before the panel, petitioner referred to this experience in prison as "summer camp," and called the prison officials "pathological sadists." In referring to the events which occurred in Hawaii and which led to his arrest and conviction, respondent referred to the law enforcement agents as sadists, and to the criminal justice system as "trained to hurt people." Respondent testified that in his criminal trial, the judge, jury, and attorney general were all of Japanese extraction, and that before them he was required to testify he was a member of the Outrigger Club, an organization in Hawaii which he alleges excludes Japanese-Americans.

At the hearing before the panel, petitioner restated his unsuccessful defenses to the criminal charges.

Since his release from prison in 1984, petitioner has been employed by Trousdale Enterprises, for which he investigates business opportunities. In the period following his revocation, he has taken no university-sponsored CME courses. His involvement or participation in medical education has been to read medical journal articles. He

was not able to produce any proof or testimony that he has taken any CME courses during the year last preceding the hearing on his petition. In his petition, petitioner stated, "Medically, I served on the long range planning committee for the Monterey Peninsula Community Hospital." Pursuant to Government Code section 11514, the Attorney General presented declarations of three individuals which related to the alleged participation by petitioner on that committee. The first was that of Thomas Martin Glavin, who has been in charge of planning for the Community Hospital of Monterey Peninsula since 1981. Mr. Glavin writes, "...I have no idea who Gordon Dickie is. I know of no committee participation by Gordon Dickie since I assumed my position in 1981." To like effect were the declarations of Helga Dresser, medical staff coordinator of the hospital since 1984, and Jay M. Hudson, senior vice president of the hospital for the last 21 years. Mr. Hudson recalled that petitioner had been "only very briefly" on a fund-raising committee of the hospital in 1985.

#### DETERMINATION OF ISSUES

Title 16, California Code of Regulations, section 1360.1 provides the criteria to be considered by the Board to determine the eligibility of a petitioner who has had his or her license revoked by reason of conviction of a crime. Applicable in this case are the elements of evidence of rehabilitation of the person, the nature and severity of the offense, the time that has elapsed since the commission of the offense, and whether the licensee has complied with the terms of parole. The panel is not satisfied the petitioner understands the serious nature of the offenses he committed, or even that petitioner candidly acknowledges the commission of the offenses. Petitioner was convicted in 1980, and although a substantial time has elapsed since the commission of the criminal acts, the petitioner does not accept guilt. In his eyes, others are responsible for his misfortunes. By rehashing his old defenses to the charges, this petitioner demonstrates a lack of insight. Furthermore, he did not furnish documentary evidence of CME or demonstrate he is pursuing any interest or participating in any meaningful medical activities which might indicate rehabilitation. These determinations of issues are amply sup-

ported in Finding III. It is commendable that he has successfully completed his criminal parole, but standing by itself, that factor does not outweigh the ones militating against rehabilitation.

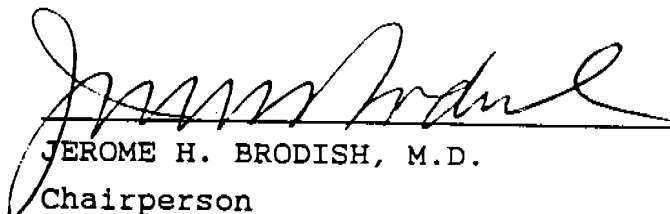
It was the unanimous vote of the panel that the Petition for Reinstatement of Revoked Certificate be denied.

ORDER

The Petition for Reinstatement of Revoked Certificate, filed by E. Gordon Dickie, M.D., is denied for the reasons set forth in the Determinations of Issues.

This Decision shall be effective February 18, 1990.

IT IS SO ORDERED this 19TH day of January, 1990.

  
JEROME H. BRODISH, M.D.  
Chairperson